

## **IC 13-17-4**

### **Chapter 4. Air Pollution Emergencies**

#### **IC 13-17-4-1**

##### **Public policy**

Sec. 1. The discharge into the outdoor atmosphere of air contaminants that would cause air pollution and create a public nuisance is contrary to the public policy of the state and this article.

*As added by P.L.1-1996, SEC.7.*

#### **IC 13-17-4-2**

##### **Emergency risk**

Sec. 2. (a) Air pollution may at certain times and places so seriously affect the public health and so threaten the population as to warrant emergency powers to prevent or minimize disasters of unforeseen proportions. If the commissioner determines, in consultation with the commissioner of the state department of health, that air pollution in an area constitutes an unreasonable and emergency risk to the health and safety of those in the area, that determination shall be immediately communicated to the governor.

(b) The governor may, by proclamation, do the following:

- (1) Declare that an emergency exists.
- (2) Order all persons causing or contributing to the air pollution to reduce or discontinue immediately the emission of air contaminants.

*As added by P.L.1-1996, SEC.7.*

#### **IC 13-17-4-3**

##### **Injunction**

Sec. 3. (a) Not more than twenty-four (24) hours after issuance of a proclamation under section 2 of this chapter, the attorney general, at the request of the governor, shall initiate injunctive proceedings in the appropriate court against each person causing or contributing to the air pollution to:

- (1) stop the emission of contaminants causing the pollution; or
- (2) take other action that is necessary.

(b) If the attorney general does not commence an action within the twenty-four (24) hour period, the governor's proclamation becomes void.

*As added by P.L.1-1996, SEC.7.*